



Substitute House Bill No. 5241

Public Act No. 12-163

AN ACT CONCERNING DELAYED BIRTH REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 7-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any adult or the parent or legal guardian [of the person] of any minor who is one year of age or older, for whose birth no certificate is on file, may [, with] request a delayed registration of birth by submitting to the department his or her affidavit and the affidavits of two other persons having first hand knowledge of the facts [, make, under oath, an affidavit as to the matters required to be set forth in a birth certificate under the provisions of section 7-48 and file the same in the office of the registrar of vital statistics of the town in which such birth occurred. Such registrar] relating to such birth, made under oath and in the manner and form prescribed by the commissioner. An adult, parent or legal guardian requesting a delayed registration of birth shall also submit to the department documentary evidence of the name, date and place of birth of the person for whom a delayed registration of birth is requested. Such documentary evidence shall be sufficient to enable the department to determine that the birth did, in fact, occur on the date and at the place alleged by the adult, parent or legal guardian making the request. If the department determines that

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the evidence submitted is sufficient to determine the facts of the birth, the department shall [thereupon] prepare a birth certificate based upon the information contained in [such affidavit and file the same with such affidavit in the same manner as any other birth certificate, including filing] the affidavits and other documentary evidence submitted to the department. The department shall transmit a copy of such certificate [with the department] to the registrar of the town where the birth occurred and to the registrar of the town where the mother resided at the time of birth.

(b) If [unable to furnish an affidavit satisfactory to the registrar of such town] the department denies the request for a delayed registration of birth, such adult, [or] parent or legal guardian may [apply to] petition the court of probate for the district where such birth occurred for an order requiring [such registrar] the department to prepare a certificate of birth of such adult or such minor. [containing the matters so required to be set forth] The petitioner shall include with the petition the affidavits and other documentary evidence submitted to the department in accordance with subsection (a) of this section. Such court shall [, with or without notice and hearing, ascertain the facts as to the matters so required and issue an order directing such registrar to issue such a certificate based upon the facts set forth in such order. After issuing any such certificate, such registrar shall make a record of such birth, including in such record reference to such certificate and the affidavit or order of the court.] schedule a hearing and cause notice of the hearing to be given to the following persons: (1) The petitioner; (2) if the delayed registration of birth is sought for a minor, (A) the parent or legal guardian of the minor, and (B) if the minor is twelve years of age or older, the minor; (3) the commissioner; and (4) any such other person as the court may determine has an interest in the hearing. The commissioner or the commissioner's authorized representative may appear and testify at such hearing. The petitioner shall have the burden of proving the facts

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of the birth. If the court finds by a preponderance of the evidence that the birth occurred on the date and at the place alleged by the petitioner, the court shall issue an order containing the person's name, sex, date of birth, place of birth and any other identifying information as the court deems appropriate and directing the department to issue a delayed birth certificate. Upon receipt of a certified copy of any such order, the department shall prepare a birth certificate based on the facts set forth in the court's order and transmit a copy of the certificate to the registrar of the town where the birth occurred and to the registrar of the town where the mother resided at the time of birth.

(c) In any proceeding under subsection (b) of this section, the court, on the motion of any party or on the court's own motion, may order genetic tests, which shall mean deoxyribonucleic acid tests, to be performed by a hospital, accredited laboratory, qualified physician or other qualified person designated by the court to determine parentage. The petitioner shall be responsible for the cost of any genetic test required by the court, except the department shall pay such cost for any petitioner who is found by the court to be indigent. If the results of such test indicate a ninety-nine per cent or greater probability that a person is the mother or father of the adult or minor for whom a delayed registration of birth is sought, the results shall constitute a rebuttable presumption that the person is, in fact, the mother or father of the adult or minor for whom a delayed registration of birth is sought.

(d) Birth certificates registered one year or more after the date of birth shall be marked "delayed" and indicate (1) the date of the delayed registration, [The provisions of sections 7-42 and 7-73 shall apply to the acts of the registrar under this section] (2) the person's name, sex, date of birth, place of birth and any other identifying information prescribed by the commissioner, as such facts of the birth have been determined based upon the evidence presented to the department or

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stated in a court order, as the case may be, and (3) when the facts of the birth are determined by court order, a statement that the birth is registered pursuant to court order.

Approved June 15, 2012